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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,339	02/22/2005	Daniel Ballin	36-1888	3643

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EXAMINER

CHUNG, EUN HEE

ART UNIT PAPER NUMBER

2123

DATE MAILED: 10/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/525,339

Applicant(s)

BALLIN ET AL.

Examiner

Eun H. Chung

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 1, 3, 5-11, 14, and 18-24 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/07/2005.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-24 are presented for examination.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 07/07/2005 is being considered by the examiner. However, the foreign Patent documents of 10-171989 has not been considered because the translation was not submitted, and GB search Report has not been considered because the document was not submitted.

#### ***Claim Objections***

3. Claims 1, 3, 5-11, 14, and 18-24 are objected to because of the following informalities:  
  
As per claims 5-11 and 18-24, the word "A" at the beginning of each claim would be better as "The".

As per claims 1, 3, and 14, the phrase "the received object model" in line 3-4 (Claim 1) and line 4 (Claims 3 and 14) would be better as "a received object model" to avoid any possible antecedent issues.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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5. Claims 1, 12-14, and 21-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. As per claims 1 and 14, it fails to provide a useful concrete and a tangible result because generating a set of weight values is a thought or a computation within a computer. It's not until the determination is applied in a meaningful way that it becomes real world rather than an abstraction. Claim 12 is a computer program that is software per se, so it is non-statutory. Claims 13 and 21-24 further confuse the intended metes and bounds and in no way resolve the deficiencies of parent claims.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaguchi (U.S. Patent No. 6,310,627)

Sakaguchi discloses a method and a system of object model analysis (Abstract), comprising the steps of:

(Claims 1 and 14) comparing an object model with a plurality of predefined object models (Fig. 1, Col. 10 lines 42-55, Col. 6 lines 12-45, Col. 13 lines 47-60, Col. 9 lines 9-55, Col. 23 lines 60-65);

on the basis of said comparison, generating a set of weight values expressing the received object model as a weighted sum of the plurality of predefined object models (Fig. 1, Col. 10 lines 42-55, Col. 21 lines 44-67, Col. 22 lines 1-67, Col. 23 lines 1-8, Col. 23 lines 60-65);

(Claims 2-3 and 15-16) obtaining and/or storing a set of weight values expressing a first object model of a first type as a weighted sum of a plurality of predefined object models, each of the first type (Fig. 1, Col. 10 lines 42-55, Col. 21 lines 44-67, Col. 22 lines 1-67, Col. 23 lines 1-8, Col. 23 lines 60-65, Col. 24 lines 36-55); and

applying the set of weight values to a plurality of predefined models of a second type to generate an output object model of the second type corresponding to a weighted sum of the predefined models of the second type (Fig. 1, Fig. 11C, Col. 10 lines 42-55, Col. 10 lines 12-31, Col. 23 lines 60-65);

(Claims 4 and 17) transmitting information relating to a first object model of a first type to an object model server (Col. 2 lines 56-67, Col. 3 lines 1-23, Col. 23 lines 40-65); and

receiving from the object model server an output object model of a second type generated by applying a set of weight values to a plurality of predefined object models of a second type, the output object model of the second type corresponding to a weighted sum of the predefined models of the second type (Col. 2 lines 56-67, Col. 3 lines 1-23, Col. 10 lines 42-55, Col. 21 lines 44-67, Col. 22 lines 1-67, Col. 23 lines 1-8, Col. 23 lines 40-65, Col. 24 lines 36-55);

(Claims 5 and 18) the transmitted information is a set of weight values expressing the first object model of the first type as a weighted sum of a plurality of predefined object models, each of the first type (Col. 2 lines 56-67, Col. 3 lines 1-23, Fig. 1, Col. 10 lines 42-55, Col. 21 lines 44-67, Col. 22 lines 1-67, Col. 23 lines 1-8, Col. 23 lines 60-65, Col. 24 lines 36-55);

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(Claims 6 and 19) wherein the transmitted information is the first object model itself (Fig. 1, Col. 10 lines 42-55, Col. 6 lines 12-45, Col. 13 lines 47-60, Col. 9 lines 9-55, Col. 23 lines 60-65);

(Claims 7 and 20) displaying to a user the first object model of the first type simultaneously with the output object model of the second type (Fig. 7);

(Claims 8 and 21) wherein the object models of the first type are avatars (Fig. 11A, Col. 5 lines 1-13);

(Claims 9 and 22) wherein the object models of the second type are clothing models (Fig. 11 B).

(Claim 10 and 23) wherein the object models of the first type are avatars and wherein the object models of the second type are clothing models (Fig. 7, Fig. 11A-C), wherein the clothing models are models of clothing garments in the shape which the garments would assume when applied to the avatars (Fig. 7, Fig. 11A-C);

(Claims 11 and 24) wherein the object models of the first or second type each comprise a plurality of co-ordinates representing vertex points in a virtual space (Col. 21 lines 44-67);

(Claim 12) a computer program so arranged such that when executed on a computer (Fig. 1);

(Claim 13) a computer readable storage medium arranged to store a computer program arranged such that when executed on a computer (Fig. 1).

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tveskov (U.S. Pub No. 2002/0140732) discloses a method for an iconic language communication tool.

Kunigita (U.S. Pub No. 2002/0107762) discloses an electronic commerce system.

Varghese (U.S. Pub No. 2003/0128205) discloses a method for displaying a three dimensional representation of the information from the remote site.

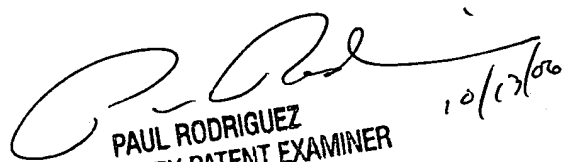
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eun H. Chung whose telephone number is 571-272-2164. The examiner can normally be reached on 8:30am-5:00pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached on 571-272-3753. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EHC

  
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10/17/06